

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

V.

ALFRED L. CROSS,

Defendant.

No. 17 CR 30047-NJR

MOTION FOR EXTENSION OF TIME TO FILE
OBJECTIONS TO PRESENTENCE REPORT

Defendant, Alfred L. Cross (“Cross”), by and through his counsel, William S. Margulis and the law firm of Margulis Gelfand, LLC, respectfully requests that this Court grant him an extension of time to file his objections to his presentence investigation report (“PSR”).

I. Background

On March 16, 2018, Cross entered an “open” plea to five counts of bank fraud in violation of 18 U.S.C. § 1344(1). (Doc. 101). This Court issued its Order for Presentence Procedure on March 16, 2018 and stated that any objections to the presentence investigation report (“PSR”) were due 14 days after the filing of the report. (Doc. 102). On April 2, 2018, the PSR was filed. (Doc. 103).

On April 16, 2018, Cross filed a motion for extension of time to file his objections to the PSR. (Doc. 104). On April 17, 2018, this Court granted the motion, allowing objections to be filed on or before April 26, 2018. (Doc. 105). On April 24, 2018, Cross filed a motion for continuance of sentencing hearing and extension of time to file objections to the PSR for the reason the Cross was experiencing health complications and had not yet had the opportunity to discuss with undersigned counsel the objections to the PSR. (Doc. 108). On April 25, 2018, this Court granted

Cross' motion, continuing the sentencing hearing to June 13, 2018 and ordered that objections to the PSR were to be filed on or before May 17, 2018. (Doc. 111).

On May 14, 2018, undersigned counsel filed a motion to withdraw as Cross' attorney, explaining that the attorney-client relationship has deteriorated to the point that counsel can no longer effectively communicate with Cross. (Doc. 113). On May 16, 2018, this Court set a hearing to consider the motion to withdraw on May 23, 2018. (Doc. 115).

II. Discussion

Because the attorney-client relationship has deteriorated in this matter, undersigned counsel has been unable to gather what objections, if any, Cross has to the PSR. While undersigned counsel has personally identified certain issues in the PSR that may warrant objections, undersigned counsel has been unable to productively communicate with Cross concerning Cross' thoughts on whether to file said objections and/or whether Cross would prefer that additional or different objections to the PSR be lodged.

Due to the unique circumstances presented by this case, undersigned counsel respectfully requests that this Court grant this motion, allowing additional time to file objections to the PSR. If this Court grants undersigned counsel's motion to withdraw following the May 23, 2018 hearing, Cross would likely be best served by discussing with newly appointed counsel what objections, if any, to file to the PSR. Conversely, if this Court denies undersigned counsel's motion to withdraw, undersigned counsel believes it is necessary to have a productive conversation with Cross prior to filing any objections to the PSR and would greatly appreciate additional time to allow for this to occur.

III. Conclusion

Based on the foregoing, Cross respectfully requests that this Court grant this motion,

extending the deadline to file his objections to the PSR by 21 days.

Respectfully submitted,

Margulis Gelfand, LLC

/s/ William S. Margulis

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ATTORNEY FOR DEFENDANT

Certificate of Service

I hereby certify that the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the Office of the United States Attorney and all other counsel in this case.

/s/ William S. Margulis